

09/11, 731 (Shiraiwa et al.)



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

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MF

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/111,731	07/08/98	SHIRAIWA	35.C12836

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FITZPATRICK CELLA HARPER & SCINTO  
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NEW YORK NY 10112

EXAMINER

GOOD JOHNSON, M

ART UNIT

PAPER NUMBER

2672

16

DATE MAILED: 09/11/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

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# Office Action Summary

Application No.

09/111,731

Applicant(s)

SHIRAIWA ET AL.

Examiner

Motilewa A. Good-Johnson

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to communications: application, filed on 07/08/1998; IDS paper #5, filed on 05/03/1999; Amendment A, filed on 09/19/2000; Amendment B, filed on 05/31/2001.
2. Claims 1-9 and 18 are pending in the case. Claims 1, 8 and 9 are independent claims. Claims 1, 8 and 9 have been amended. Claims 10-17 have been canceled. Claim 18 has been added.
3. The present title of the application is "Image Processing Apparatus Method and Recording Medium Therefor" (as originally filed).

### ***Continued Prosecution Application***

4. The request filed on 07/20/2001 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/111,731 is acceptable and a CPA has been established. An action on the CPA follows.

### ***Claim Rejections - 35 USC 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 3718 of this title before the invention thereof by the applicant for patent.

6. Claims 1-6, 8 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Percy et al., "Computer Graphics System for Rendering Images Using Full Spectral Illumination Data", class 345/426, 01/20/1998, filed on 05/25/1995.

As per independent claim 1, **an image processing method for converting data dependent on a first illuminating light into data dependent on a second illuminating light, comprising the steps of: storing conversion data for plural illuminating lights . . . Percy discloses in col. 7, lines 15-27; selecting two or more illuminating lights from said plural illuminating lights . . . ; Percy discloses in col. 8, lines 49-58; generating data indicating the proportion of synthesis of conversion data of said selected plural illuminating lights . . . ; Percy discloses in col. 7, lines 39-47; generating a conversion condition from the stored plural conversion data according to the data indicating the proportion of synthesis; Percy discloses in col. 8, lines 55-67; and converting data dependent on first illuminating light into data dependent on said second illuminating light, based on said conversion data . . . Percy discloses in col. 8, lines 57-67.**

With respect to dependent claim 2, . . . **plural illuminating lights are different in color rendering property.** Percy discloses in col. 7, lines 8-32.

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With respect to dependent claim 3, . . . **data indicating the proportions of plural syntheses are stored in advance according to the kinds of illuminating light.** Peercy discloses in col. 7, lines 15-16.

With respect to dependent claim 4, . . . **the kind of said second illuminating light is designated by the user and said data indicating the proportion of synthesis are selected according to said designated kind of the second illuminating light.** Peercy discloses in col. 8, lines 55-57.

With respect to dependent claim 5, . . . **data indicating the proportion of synthesis are generated according to a manual instruction of the user.** Peercy discloses in col. 8, lines 55-57.

With respect to dependent claim 6, . . . **data indicating the proportion of synthesis are generated according to the output from a sensor for measuring the illuminating light.** Peercy discloses in col. 6, lines 38-42.

With respect to dependent claim 7, . . . **said conversion data are matrix data.** Peercy discloses in col. 8, lines 4-30.

As per independent claims 8 and 9 respectively, **an image processing apparatus for converting data . . . and a computer readable recording medium storing a program . . .**, they are rejected based upon similar rational as above independent claim 1, **an image processing method for converting data . . .**

With respect to dependent claim 18, **“. . . converting step executes conversion according to color rendering properties of said second illuminating light and executes correction corresponding to color temperature . . .”**

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Peercy discloses in col. 10, lines 55-63.

***Response to Amendment***

7. Applicant's arguments with respect to claims 1-9 and 18 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Hand-delivered responses should be brought to:

Sixth Floor Receptionist, Crystal Park II, 2121 Crystal Drive, Arlington, VA.

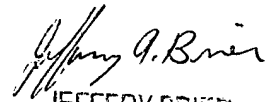
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa Good-Johnson, whose telephone number is (703)-305-3939 and can normally be reached Mondays-Fridays from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi, can be reached at (703)-305-4713.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703)-305-4700.

**Motilewa Good-Johnson**  
**Patent Examiner**  
**Art Unit 2672**

  
**JEFFERY BRIER**  
**PRIMARY EXAMINER**